XI-HC—78

(43)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक MA 316/04 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

M.A. NO. 316/2004

Appellant (Insurer) : The National Insurance Co. Ltd., Through its Branch Manager, National Insurance Co. Ltd. Bilaspur (Chhattisgarh)

VERSUS

Respondents :

1. Kaushal Prasad Sharma, S/o Shri Dinbandhu Sharma, Near Kishan Rice Mill, GAriyabandh, Distt. Raipur, (Chhattisgarh)

2. Vishnu Ram Dhru, S/o Shri Fagun Ram Dhru, Resident of Village Post. Ravan Bhatta, Gariyabandh, Distt. Raipur (Chhattisgarh)

5.4.2007

Shri Sanjay K. Agrawal, counsel for the appellant/Insurance Company.

Heard on admission.

This appeal by the appellant-Insurer is directed against the award dated 10th December 2003 passed in Claim Case No. 117 of 2002 whereby learned claims Tribunal passed the impugned award without considering the objection of the Insurance Company that vehicle in question was being driven

(44)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

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	by a person who had no valid and effective driving licence and that at the time of aceident three passengers were riding on the motor cycle which was involved in the accident. From perusal of paragraphs 8 & 9 of the impugned award by which the above objections have been adjudicated it appears that the learned Tribunal negated the above objection of the Insurance Company by recording a finding that the above facts have not been established by leading cogent evidence. The above finding is based on proper appreciation of evidence and the same does not call for interference. In the result, the appeal being devoid of substance is liable to be dismissed and is hereby dismissed. Sd/- DHIRENDRA MISHRA Judge	